

## Message Text

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70

ACTION L-03

INFO OCT-01 ARA-06 ISO-00 EB-07 COME-00 JUSE-00 CIAE-00

DODE-00 PM-04 H-02 INR-07 NSAE-00 NSC-05 PA-01 PRS-01

SP-02 SS-15 USIA-06 TRSE-00 /060 W

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R 281910Z APR 76

FM AMEMBASSY LIMA

TO SECSTATE WASHDC 9936

LIMITED OFFICIAL USE LIMA 3903

FOR L/PM

EO 11652: NA

TAGS: EGEN, PGOV, PFOR, PINT, PE

SUBJ: PERUVIAN LAWS ON QUESTIONABLE PAYMENTS

REF: 75 STATE 258169, STATE 94647, 75 LIMA 9170, 75 LIMA A-230

1. THE FOLLOWING RESPONSES ARE KEYED TO QUESTIONS CONTAINED  
PARA 2, STATE 094647:

A. YES. PERU HAS PENAL LEGISLATION PUNISHING THE OFFER,  
SOLICITATION, GIVING OR RECSIPT OF MONIES OR OTHER GIFTS TO  
INFLUENCE OR ATTEMPT TO INFLUENCE OFFICIAL ACTIONS. SUCH  
LEGISLATION IS CONTAINED IN SECTIONS 344, 345, 353 OF THE  
PERUVIAN PENAL CODE OF 1924 AS MODIFIED BY DECREE LAW 17106.  
THESE SECTIONS ARE CONTAINED IN REFAIR, WITH CHANGES NOTED  
BELOW IN PARAGRAPH 2.

B. NO. THERE ARE NO SPECIFIC LAWS OR REGULATIONS REQUIRING  
DISCLOSURE OF PAYMENTS MADE TO OR FOR THE BENEFIT OF GOVERNMENT  
OFFICIALS BY INDIVIDUAL MERCHANTS OR CORPORATIONS. HOWEVER,  
IT MAY BE RELEVANT TO MENTION A PROVISION CONTAINED IN SECTION  
333 OF THE CODE TO THE EFFECT THAT ANY ONE FAILING TO DISCLOSE  
THE PERPETRATION OF ANY OFFENSE AS REQUIRED BY HIS PROFESSION  
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OR EMPLOYMENT IS SUBJECT TO PENALTY. FURTHER, AND AS A

MATTER OF PUBLIC ORDER, ANYONE MAY FILE AN ACCUSATION OR COMPLAINT WITH THE PROSECUTING ATTORNEY AGAINST THE CLAIMANT BEING ENTITLED TO A COMPENSATION.

C. YES. IF AN AGENT PARTICIPATES IN ANY PUNISHABLE ACT IN CONNECTION WITH SALES OR INVESTMENT TRANSACTIONS WITH THE LOCAL GOVERNMENT, HE WILL BE INVOLVED AS PARTY IN CRIME AND IS TO BE INCLUDED IN THE PROCEEDINGS. THIS IS IN ACCORDANCE

WITH PROVISION IN THE PENAL CODE AND WITH ESTABLISHED RULES OF PERUVIAN CRIMINAL JURISPRUDENCE.

D. NO

E. NO

F. NO

2. REFAIR REPORTED PERTINENT SECTIONS OF PERUVIAN LAW AS REQUESTED IN 75 STATE 258169. PLEASE NOTE THAT ARTICLES 344 AND 345 OF PERUVIAN PENAL CODE WERE AMENDED BY DECREE LAW 17106 TO READ AS FOLLOWS (TRANSLATION):

(SEE BN 344)

DA

--AN OFFICIAL OR PUBLIC EMPLOYEE WHO (IN THE COURSE OF HIS DUTIES) DEFRAUDS THE STATE (BY) COLLUDING WITH PARTIES IN INTEREST IN AGREEMENTS, PACTS, SETTLEMENTS OR PROCUREMENTS WILL BE SUBJECT TO IMPRISONMENT BEFORE NOT MORE THAN TEN YEARS AND SPECIAL DISQUALIFICATION PURSUANT TO PARAGRAPHS 1,2,3,4 OF ARTICLE 27 FOR A TERM OF NOT LESS THAN 10 YEARS.

(SECTION 345)

--AN OFFICIAL OR PUBLIC EMPLOYEE WHO DIRECTLY OR INDIRECTLY INVOLVES HIMSELF (PERSONALLY) IN ANY KIND OF CONTRACT OR TRANSACTION IN WHICH HE MUST INTERVENE ON ACCOUNT OF HIS OFFICE WILL BE SUBJECT TO DISQUALIFICATION PURSUANT TO PARAGRAPHS 1,3,4 OF ARTICLE 27 FOR A TERM NOT TO EXCEED SIX YEARS LIMITED OFFICIAL USE

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AND A FINE IN THE AMOUNT OF HIS EARNINGS FOR THREE TO NINETY DAYS.

3. FULL TEXT OF RELEVANT LAWS BEING FURNISHED TO DEPT.  
DEAN

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
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**Current Classification:** UNCLASSIFIED  
**Concepts:** LAW, POLICIES, BRIBERY, CORRUPTION, CENTRAL GOVERNMENT  
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**Draft Date:** 28 APR 1976  
**Decaption Date:** 01 JAN 1960  
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**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
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**Subject:** PERUVIAN LAWS ON QUESTIONABLE PAYMENTS  
**TAGS:** EGEN, PGOV, PFOR, PINT, PE  
**To:** STATE  
**Type:** TE  
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